

**REMARKS**

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

By this Amendment, claims 7-10 and 17-20 are withdrawn, claims 1-6 and 11-16 are amended, and new claim 21 is added. Accordingly, claims 1-6, 11-16, and 21 are pending in the application. No new matter has been introduced through the foregoing amendments.

Claims 1-6 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buetow et al. (U.S. Patent No. 6,357,534) in view of Chen et al. (U.S. Pub. 2004/0033415). This rejection is respectfully traversed, based upon the foregoing amendments and the following remarks.

As amended, claim 1 recites, *inter alia*, an electric hand tool comprising:

a locking means attached to the casing for locking the battery in the housing in a state of being electrically connected to the electrically operated components;

an actuating trigger configured to actuate the locking means; and

a retaining finger extending from a surface of the housing, the retaining finger configured to retain the accommodated battery in the housing in an electrically disconnected state. (Emphasis added).

The asserted combination of Buetow and Chen fails to disclose, teach, or disclose at least the above features.

Beutow appears to only disclose first and second latching members 232 and 236 mounted on the battery assembly 210. (See Beutow Fig. 4, and column 6, lines 18-27). Nowhere does Beutow suggest a casing mounted locking means and locking means actuating trigger, as recited in claim 1. Furthermore, notwithstanding Beutow disclosing apertures 104a and 104b for receiving tooth

member 106, Beutow fails to suggest a retaining finger extending from a surface of the housing, as recited in claim 1. Chen's mobile rack type battery box fails to remedy the deficiencies of Beutow.

Indeed, Applicants respectfully submit that based upon the amendments to independent claim 1, Chen's mobile battery box is non-analogous, the applied art failing to present any apparent reason to combine references or modify prior art to create the Applicants' allegedly obvious claim elements. Specifically, Chen appears to only disclose a battery box for a UPS system, wherein a set of battery cells are fixed and enclosed in the battery box. Nowhere does Chen disclose or suggest electrically disconnecting battery cells from the battery box, disconnecting the battery box from the UPS system, a locking means, or an actuating trigger, as recited by Applicants.

Independent claim 11 includes similar limitations as claim 1, and is patentable for at least the same reasons as claim 1 as well as on its own merits. For example, claim 11 recites "wherein the second battery securing element includes a compressible retaining finger extending from an interior surface of the housing, the retaining finger configured to engage a recess disposed in an accommodated battery when the accommodated battery is locked in the housing by the first battery securing element." Nowhere does Beutow or Chen disclose, teach, or suggest this feature.

Accordingly, based upon the above, Applicants respectfully submit that independent claims 1 and 11 are patentable not only due to the failure of the asserted combination of references to disclose, teach or motivate all recited features of the claims, but are also patentable based upon the improper combination of Beutow and Chen. Claims 2-6 and 12-16 depend from these independent claims and are likewise patentable over the asserted combination of references art for at least their dependence on an allowable base claim, as well as for the additional features they recite. Accordingly, withdrawal of this rejection is respectfully requested.

New claim 21 is added and recites wherein the retaining finger comprises a relaxed state and a compressed state, depending upon whether or not an installed battery is electrically connected to the

electrical components within the casing. Claim 21 is supported by Fig. 1 and page 6, line 1 to page 7, line 1 of the specification.

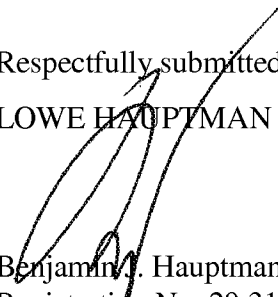
Each of the Examiner's rejections has been addressed. Accordingly, Applicants respectfully submit that claims 1-6, 11-16, and 21 are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP



Benjamin J. Hauptman  
Registration No. 29,310

USPTO Customer No. 22429  
1700 Diagonal Road, Suite 310  
Alexandria, VA 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
Date: March 25, 2008  
BJH:ERM/tal